

REGULAR MEETING  
February 13, 2006

The Regular Meeting of the Annapolis City Council was held on, February 13, 2006 in the Council Chamber. Mayor Moyer called the meeting to order at 7:30 p.m.

Present on Roll Call: Mayor Moyer, Aldermen Israel, Christman, Alderwomen Hoyle Taylor, Cordle, Stankivic, Shropshire, Cohen

Staff Present: City Attorney Spencer, Finance Director Elliott, Planning and Zoning Director Arson

- Alderman Stankivic moved to approve the Journal of Proceedings for January 9, 2006 Regular and, January 23, 2006 Special. Seconded. CARRIED on voice vote.

## PRESENTATIONS

Annapolis Conservancy Board

Chair Jay Baldwin and Consultant Steve Carr presented the Annapolis Conservancy Board's 2005 Annual Report to the City Council.

## PETITIONS, REPORTS AND COMMUNICATIONS

1. Edward M. Connors, 63 Baldrige Road, Annapolis, Maryland 21401 representing Recreation and Parks Advisory Committee spoke in favor of the original project for Recreation Center and in opposition to Competitive Track.
2. Thomas Corboy, 16 Spa View Circle, Annapolis, Maryland 21401 representing Ward One Residents Association spoke in opposition to R-03-06, R-05-06 and to the sale of alcoholic beverages on public streets.
3. Frank P. Montgomery, 1120 Tyler Avenue, Annapolis, Maryland 21403 spoke regarding concerns with delaying construction on the Recreation Center, additional cost to the taxpayers and in opposition to competitive track.
4. Michael Moulden, 245 Boxwood Road, Unit 202, Annapolis, Maryland 21403 spoke in favor of the original project for Recreation Center and concerning delays in construction of the Recreation Center.
5. Robert H. Eades, 59 Clay Street, Annapolis, Maryland 21401 representing Neet-N-Klean Boys and Girls Club spoke in favor of the original project for Recreation Center.
6. Janette Gearing, 416 Beards Creek Drive, Davidsonville, Maryland 21035 spoke in favor of the original project for Recreation Center and in opposition to competitive track in the City.
7. Ray Lowman, 1120 Tyler Avenue, Annapolis, Maryland 21403 spoke in favor of the original project for Recreation Center and concerning delays in construction of the Recreation Center.
8. Christina Aist, 8 Heritage Court, Annapolis, Maryland 21401 representing Recreation and Parks Advisory Committee spoke in favor of the original project for Recreation Center.
9. Donna Jefferson, 13 Southgate Avenue, representing Recreation and Parks Advisory Committee spoke on the Recreation Center.
10. Dawn O'Shea, 527 Green Crest Lane, Odenton, Maryland 21113 spoke in favor of

the original project for Recreation Center.

11. Judy Dryden, 1605 Virginia Avenue, Annapolis, Maryland 21401 spoke in favor of 0-11-06.
12. Edward Wilson, 504 Tulip Road, Annapolis, Maryland 21403 representing The Annapolis Volleyball Group spoke in favor of the original project for Recreation Center.

## **LEGISLATIVE ACTION**

### **CHARTER AMENDMENT**

**CA-01-01 For the purpose of amending the Charter of the City of Annapolis to require that when adopting a property tax rate that increases property tax revenue by five percent or more, a sixty percent majority vote of the City Council is required; and all matters generally related to said property tax rate.**

- Alderman Cohen moved to adopt CA-01-06 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government and Finance Committee

### **ORDINANCES**

**O-07-06 For the purpose of improving the safety of renters by clarifying the delineation of responsibilities with respect to maintenance in the terms of leases between landlords and tenants for residential units within the City; requiring that a form specifying the maintenance responsibilities of the tenant and landlord is provided in writing along with available remedies; specifying that matters concerning Title 18, Landlord and Tenant Relations, are reviewed and addressed by the Housing and Human Welfare Committee; and matters generally relating to said maintenance of rental property.**

- Alderman Shropshire moved to adopt O-07-06 on first reading. Seconded. CARRIED on voice vote.

Referred to the Housing and Human Welfare Committee.

**O-08-06 For the purpose of requiring that pawnbrokers may not transfer or dispose of property for at least 30 days except when redeemed by original pawn ticket; requiring pawnbrokers to release to the Police Department without payment items identified as stolen by the Police Department; and matters generally relating to regulation of pawnbrokers.**

- Alderman Cohen moved to adopt O-08-06 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee.

**O-09-06 For the purpose expanding Special Residential Parking District No. 3 by adding one block; and all matters relating to said parking district.**

- Alderman Cohen moved to adopt O-09-06 on first reading. Seconded.

CARRIED on voice vote.

Referred to the Public Safety Committee

**O-10-06 For the purpose of establishing an Education Commission to make recommendations to the Anne Arundel County and State Boards of Education concerning the Annapolis High School feeder system, serve as the primary liaison between City and the County Board of Education, and work with other governmental, private, and non-governmental organizations to obtain educational opportunities, resources and facilities for the citizens of Annapolis; and matters generally relating to said Education Commission.**

- Alderman Stankivic moved to adopt O-10-06 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

**O-11-06 For the purpose of increasing for a multi-family dwelling in the BCE Zoning District the minimum square footage of a lot from 726 to 1,244 square feet; and matters generally relating to said BCE Zoning District.**

- Alderman Cohen moved to adopt O-11-06 on first reading. Seconded. CARRIED on voice vote.
- Alderwoman Hoyle requested the record reflect the precedent being set for Alderman outside of a particular ward to introduce legislation which pertains to a specific ward and her abstention from the vote.
- Alderman Cohen requested the record that he did notify Alderwoman Ward 3 of his intention to introduce R-11-06.

Referred to the Rules and City Government Committee and the Planning Commission.

### **RESOLUTIONS**

**R-07-06 For the purpose of delaying the implementation of the Alcoholic Beverage Control Board's (ABC Board) rules and regulations promulgated on January 4, 2006; and all matters relating to said rules and regulations.**

Alderman Hoyle moved to adopt R-07-06 on first reading. Seconded. CARRIED on voice vote.

There being no voiced objection, the rules were suspended to allow passage of the resolution at the meeting of its introduction.

Alderman Stankivic moved to adopt R-07-06 on second reading. Seconded. CARRIED on voice vote.

**R-39-05 For the purpose of supplementing pay and extending employee benefits to City employees who have been called to active duty with the Armed Forces as a result of international conflicts and national disaster recovery and protection efforts; and all matters relating to said supplemental pay and benefits.**

- Alderman Stankivic moved to postpone R-39-05 until the next Legislative

Session. Seconded. DEFEATED on voice vote.

- Alderman Cohen moved to adopt R-39-05 on second reading. Seconded. CARRIED on voice vote.

Finance Director Elliott was present and answered question from Council.

**R-02-06 For the purpose of expressing the City of Annapolis' support for the Maryland Healthy Air Act of 2006.**

- Alderman Cohen moved to adopt R-02-06 on second reading. Seconded. CARRIED on voice vote.
- Alderman Israel requested the record reflect his vote in opposition to R-02-06

**R-03-06 For the purpose of providing an exemption allowing the sale of arts related merchandise in the Historic District at the First Sunday events to be held the first Sunday of each month from May through October 2006, on West Street; waiving certain fees associated with City services in conjunction with these events; and all matters relating to said First Sunday events.**

- Alderman Hoyle moved to adopt R-03-06 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Director for Fiscal Impact Statement

**R-04-06 For the purpose of expressing the City of Annapolis' support for legislation to amend Article 44A, Title 10 of the State Code to provide that an appointment by the Mayor of a Commissioner to the Housing Authority of the City of Annapolis (HACA) requires the approval of the legislative body.**

- Alderman Stankivic moved to adopt R-04-06 on first reading. Seconded. CARRIED on voice vote.

Referred to the Housing and Human Welfare Committee

**R-05-06 For the purpose of waiving the fees for City services to be provided in connection with the Maryland Avenue Spring Fling to be held April 30, 2006, and the Maryland Avenue Annual Street Festival to be held on September 24, 2006, and all matters relating to the waiver of fees.**

- Alderman Cohen moved to adopt R-05-06 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Director for Fiscal Impact Statement

**R-06-06 For the purpose of awarding a supplemental retirement benefit of Two Hundred Fifty Dollars (\$250) per month to Eugene Griffith pursuant to the provisions of Article VIII, Section 5 of the Charter of the City of Annapolis; and all matters relating to said supplemental retirement benefit.**

- Alderman Cohen moved to adopt R-06-06 on first reading. Seconded. CARRIED on voice vote.

### ANNAPOLIS NECK ANNEXATION

**R-37-05 For the purpose of annexing into the boundaries of the City of Annapolis certain property which is contiguous to the existing boundary of the City and is generally located between Quiet Waters Park, Hunt Meadow, Annapolis Overlook and on Forest Drive next to Forest Village Apartments; and matters generally related to said annexation. (Travels with O-38-05)**

- Alderman Hoyle moved to adopt R-37-05 Revised on second reading. Seconded.

The Rules and City Government Committee and the Planning Commission with 19 amendments reported favorably on R-37-05 Revised.

- Alderman Stankivic moved to amend R-37-05 Revised as follows:

#### Amendment # 1

On page 7, in line 17, strike “possibly” on page 7, in line 18, after “additional pump station”, insert “if needed” Seconded. CARRIED on voice vote.

#### Amendment #2

On page 7, in lines 19 and 20, strike “Adequate water supply is available for this property. Wastewater treatment capacity is available for this property,” Seconded.

Planning & Zoning Director Arson was present and answered questions from Council.

- Alderman Stankivic moved to withdraw Amendment # 2. Seconded. CARRIED on voice vote.

#### Amendment #3

On page 7, in line 25, strike “all internal roadways”

- Alderman Stankivic moved to withdraw Amendment # 3. Seconded. CARRIED on voice vote.

#### Amendment #3 revised

On page 7, in line 25, strike “of” and add “or” Seconded. CARRIED on voice vote.

#### Amendment #4

On page 8, in lines 29 and 30, strike “Staffing levels in the following areas need to be considered:” and substitute “Staffing levels, including, but not limited to, the following areas need to be considered” Seconded. CARRIED on voice vote.

#### Amendment #5

On page 9, in lines 1 and 2, strike “the Planning and Zoning Director shall have determined to his satisfaction that,”

On page 9, in line 4, strike “either”, and

On page 9, in lines 4 and 5, strike “or scheduled for imminent commencement”

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Israel, Christman, Cordle, Stankivic  
NAYS: Mayor Moyer, Alderwomen Hoyle, Taylor, Shropshire, Cohen  
DEFEATED:

Planning & Zoning Director Arson answered questions from Council.

Amendment #6

On page 9, in line 15, strike “,as perhaps part of the proposed relief road bypass,”  
Seconded. CARRIED on voice vote.

Amendment #7

On page 9, in lines 29 and 30, strike “may be required subject to a determination by the Director of Planning and Zoning” and substitute “is required” Seconded. CARRIED on voice vote.

Amendment #8

On page 9, in line 35, insert “20. There shall be no development plans approved for this property until the Annapolis Neck Fire Station to be constructed by Anne Arundel County has commenced.” Seconded. DEFEATED on voice vote.

Planning & Zoning Director Arson answered questions from Council.

The main motion revised as amended CARRIED on voice vote.

**O-38-05 For the purpose of establishing a zoning classification of R1-B, Single Family Residence, for certain property which is contiguous to the existing boundary of the City, is owned by QW Properties, LLC, and is generally located south of the split between Forest Drive and Old Annapolis Neck Road; and all matters relating to said zoning map amendment. (Travels with R-37-05)**

- Alderman Cohen moved to adopt O-38-05 Revised on second reading. Seconded.

The Rules and City Government Committee and the Planning Commission reported favorably on O-38-05 Revised.

- Alderman Stankivic moved to amend O-38-05 Revised as follows:

Amendment #1

On page 2, in line 20, strike “medium” and substitute “low” Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Israel, Christman, Cordle, Stankivic, Shropshire, Cohen

NAYS: Mayor Moyer, Alderwomen Hoyle, Taylor

CARRIED:

Planning & Zoning Director Arson answered questions from Council.

Amendment #2

On page 2, in line 25, strike "R1-A" and substitute "R2-B"

On page 2, in line 33, strike "R1-A" and substitute "R2-B"

On page 2, in line 39, strike "R1-A" and substitute "R2-B" Seconded. DEFEATED on voice vote.

The main motion revised as amended CARRIED on voice vote.

- Alderman Cohen moved to adopt O-38-05 Revised as amended on third reading. Seconded. CARRIED on voice vote.

### **BUSINESS AND MISCELLANEOUS**

1. Appointments

- Alderman Cohen moved to approve the Mayor's appointment & reappointments of the following individuals:

02/13/06 Annapolis Conservancy Board ..... Gretchen A. Clift  
02/13/06 Art in Public Places Commission ..... Burton Blistein

Seconded. CARRIED on voice vote.

2. 2005 Hendricks Classification and Compensation Study

- Alderman Cordle moved to receive the 2005 Hendricks Classification and Compensation Study. Seconded. CARRIED on voice vote.

3. Preliminary Review of Samaras Annexation. Petition for annexation was filed on January 18, 2006.

- Alderman Shropshire moved that the applicants work with the Finance, Public Works, and Planning and Zoning Departments to provide the necessary studies for proper consideration of this Petition. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:48 p.m.

Regina C .Watkins-Eldridge, CMC  
Acting City Clerk